

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

Justice K.S. Puttuswamy (Retd) & Anr.etc. Petitioner

Versus

Union of India & Ors. Etc. etc. Respondents

STATUS REPORT ON BEHALF OF RESPONDENT NO.

34 : U. T. CHANDIGARH

I, Upkar Singh, aged about 45 years, son of Sh. Mahender Singh, resident of House No.900, Sector 7, Chandigarh, do hereby solemnly affirm and state as under.

1. That I am posted as Director Information Technology, Chandigarh Administration, UT, Chandigarh. I am conversant with the facts and circumstances of the case from the perusal of official records and files in my official capacity. I have been authorized in this Writ Petition, to file the status report on behalf of U.T. of Chandigarh. Hence, I am competent to swear this affidavit.
2. That it is submitted that the above mentioned Petitioners have preferred the aforementioned Writ Petition under Article 32 of the Constitution of India in which he has, inter-alia sought issuance of a writ in the nature of mandamus for restraining Respondent No. 1 to 3 from issuing Aadhaar



Numbers by way of implementing its executive order dated 28.01.2009 which, according to the Petitioner, tantamounts to implementing provisions of the National Identification Authority of India Bill, 2010, which is pending before the Parliament.

3. That it is respectfully submitted that the deponent has been facilitating Aadhaar enrolments of its residents through various agencies. Till date more than 96% of the residents have been enrolled for Aadhaar and Aadhaar generation has been effected to the tune of 85%.

4. That it is submitted that the deponent issued a Notification No. IT/189/UID/2012/34, dated 28th June 2013 notifying the use of UID/Aadhaar as a valid Proof of Identity (PoI) and Proof of Address (PoA) in various welfare schemes of Chandigarh Administration.

True copy of Notification No. IT/189/UID/2012/34, dated 28.6.2013, is annexed herewith and marked as Annexure A-1, to this affidavit.

5. That this Hon'ble Court vide its order dated 23.9.2013 passed in the aforementioned Writ Petition (Civil) No.494 / 2012 inter-alia, has been pleased to direct that, **"no person should suffer for not getting the Aadhaar card in-spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant"**.



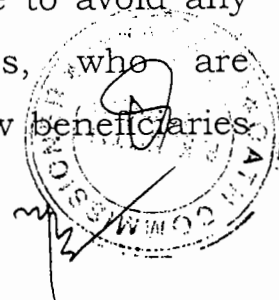
A true copy of the order dated 23.9.2013 is annexed herewith and marked as Annexure A-2, to this affidavit.

6. That it is submitted that one of the major advantages of possessing Aadhaar is that the beneficiary schemes reach out to the intended beneficiaries, thereby, reducing the leakage of Government funds.
7. That it is the endeavour of the Chandigarh Administration to provide efficient, economic, effective, transparent, accountable and reliable administration to its citizens and adoption of innovative practices in the delivery of public services. In this context, the decision to go ahead with the UIDAI scheme is well reasoned. It is pertinent to note that the use of Aadhaar would promote the following:
 - a) Provide an enabling environment so that the benefits reach the intended beneficiaries (Accurate targeting)
 - b) De-duplication
 - c) Reduction of fraud & corruption
 - d) Plugging the leakages in utilization of Government funds (Elimination of wastage in subsidy/benefit transfer)
 - e) Generating optimum value in money for each penny spent out of the public exchequer
 - f) Greater accountability
8. That the Chandigarh Administration has been leveraging Aadhaar in Social Welfare Schemes,



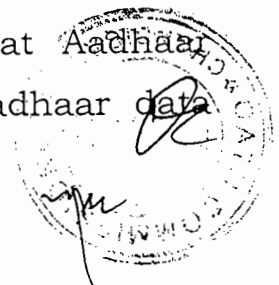
Slum rehabilitation Scheme, various Scholarship schemes, etc. Chandigarh Administration has also started using Aadhaar for unique identification of the beneficiaries in pursuance of the National Food Security Act, 2013.

9. That the application of Aadhaar in the social welfare schemes is a case in point. Integration of Aadhaar with pension schemes has not only ensured effective and smooth delivery of service but has also enhanced transparency, efficiency and helped in elimination of delays, falsification and ghost beneficiaries. With the introduction of Aadhaar in social welfare pension schemes, 1866 beneficiaries (out of a total of 21,117) were found to be non-existent/ghost. 11 duplicate beneficiaries were also found. However, the field verification is being conducted to verify if there are any genuine left out beneficiaries who have not approached the department. By integrating Aadhaar with pension disbursement, the Chandigarh Administration would save Rs.1.13 crores (approx.) annually on account of elimination of nonexistent and duplicate beneficiaries.
10. That Chandigarh Administration has started the Aadhaar authentication based social pension disbursal. The system ensures that the concerned beneficiary gets his/her pension. The requisite mechanism to prevent denial of service due to non-enrolment has also been put in place to avoid any inconvenience to the beneficiaries, who are generally aged and destitute. The new beneficiaries



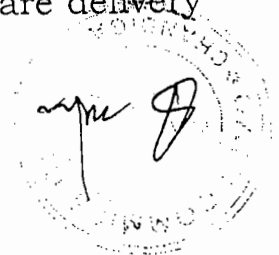
are being encouraged to enroll for Aadhaar while registering in the Schemes. Thus the process of obtaining pensions has significantly been made transparent and convenient. The beneficiaries are no longer required to carry documents for pension withdrawal.

11. That it is submitted that the disbursal of pensions under this initiative has resulted in opening up of bank accounts of target beneficiaries and most of them have been brought under Financial Inclusion which has long been envisaged by the Government of India. It was also observed that beneficiaries, especially women beneficiaries have started feeling empowered.
12. That Chandigarh Housing Board under Chandigarh Administration has integrated Aadhaar number with its Slum rehabilitation Scheme. Chandigarh Housing Board has already seeded Aadhaar numbers/Enrolment ID number of its applicants/co-applicants by obtaining it from them. The integration of Aadhaar will help avoid any duplicate allotment and will facilitate periodic verification to check any illegal sale of dwelling units allotted under the Slum Rehabilitation Scheme.
13. That it is respectfully submitted that citizens will experience a significant improvement in service delivery in the years to come.
14. That it is worthwhile to mention that Aadhaar represents a unique record in the Aadhaar data




base which corresponds to a unique individual. Thus introduction of Aadhaar ensures de-duplication of beneficiaries in the delivery of public services such as pensions, scholarships, slums rehabilitation etc. This, in turn will lead to significant savings of Government funds.

15. That Chandigarh Administration endeavours to ensure inclusive Aadhaar enrolment of all of its residents. Hence, it has already taken various steps in this regard by way of establishing Aadhaar enrolment centres across the city and has also engaged a mobile van for enrollment of elderly and sick residents of Chandigarh.
16. That the Administration is alive to the fact that no targeted beneficiary is deprived of his or her benefits solely because of non possession of Aadhaar and in fact has been organizing special Camps to fast track enrollment of targeted beneficiaries. Special emphasis has been laid to organize camps at places near the beneficiary clusters. Special camps have also been organized to enroll physically challenged beneficiaries for Aadhaar and register under the scheme. The purpose of holding these special camps was to make enrolment convenient for the physically challenged.
17. That it is, therefore, prayed that this Hon'ble Court may be pleased to modify its order dated 23.9.2013 and may be pleased to allow the leveraging of Aadhaar in various public service & welfare delivery programs & schemes etc.



18. That the facts stated in the above affidavit are true to my knowledge derived from the official records and no part of the same is false and nothing material has been concealed there from.


DEPONENT
Director
Information Technology
Chandigarh Administration

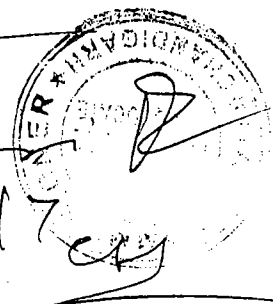
VERIFICATION:

I the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge derived from official records, which I believe to be true. No part of it is false and nothing material is concealed there from.

Verified at U.T. Chandigarh, on this 6th day of December, 2013.


DEPONENT
Chandigarh Administration

112
Serial No. _____
Certified that the above statement was
made on _____
Shri. _____
W/S _____
Resident of _____
Who is identified by Shri. _____
K. MITAL, _____
6/12/13



8 DEC 2013

[Extract from the Chd. Admn. Gaz., dated the 1st August, 2012]

CHANDIGARH ADMINISTRATION
DEPARTMENT OF INFORMATION TECHNOLOGY

Notification

The 28th June, 2012

No. IT/189/UID/2012/34-A. -The Unique Identification Authority Of India (UIDAI) has been entrusted with the responsibility of issuing UID numbers (Aadhaar numbers) to all residents in India to define usage and applicability of the Aadhaar number for delivery of various services. The basic objective of UID/Aadhaar Number is to improve delivery of Government Services to the citizens through Aadhaar based service delivery mechanism.

Therefore, the Chandigarh Administration has decided to use the UID / Aadhaar numbers valid for Proof of Identity (POI) and Proof of Address (POA) for various resident centric schemes of the Chandigarh Administration. Hence, among other documents admissible as Proof of Identity and Proof of Address, the Aadhaar Number may also be accepted as POI and POA, subject to the guidelines.

1. Introduction

1.1 One of the main benefits of the issuance of Aadhaar numbers is to enable the residents to use it as a reliable and easy-to-use *Proof of Identity* and *Proof of Address*.

1.2 In order to achieve the objective of Aadhaar as a valid POI/POA in a reasonable and consistent manner across the Union Territory of Chandigarh, following guidelines are issued herewith for use by all the departments, boards, corporations and agencies under the aegis of Chandigarh Administration.

2. Definitions

In these guidelines, unless the content otherwise requires:

1. 'Individual Identity', 'Identity' and 'ID' means the condition of being oneself and not another; condition or character as to who a person is; the state or fact of being the same one as described.

[Adapted from: <http://dictionary.reference.com/browser/identity>]

2. 'Identity Data' and 'ID Data' means a limited representation of a specific person's identity in the form of a set of attributes either stored on computer-based information systems or otherwise recorded on any media (including electronic media, such as Smart Cards). This could include biometric data, as well as personal information such as Name, Date of Birth, Place of Birth, Father's Name, Place of residence and so on.
3. 'Identity Verification' and 'Authentication' means the process of using a person's Identity Data to adequately identify a person e.g.
 - a) Comparison of a person's facial characteristics with photograph on an ID Card.
 - b) Asking to demonstrate sufficient knowledge of the Identity Data (such as the name, address and date of birth) when verifying over the phone.
 - c) Scanning a person's finger print (biometric data) and comparing with the Identity Data available on a database or a Smart Card.
4. 'Biometric data' means data such as fingerprints, IRIS images, retina images, voice prints and facial photographs, often used to identify a person.
5. 'Address' refers to the current residential address of a person and in the context of Aadhaar number based verification, this does not mean Permanent Address or a Place of Domicile or Nativity.

3. Guidelines

These guidelines apply to Chandigarh Administration's all Departments, Boards, Corporations and Agencies, in the context of any citizen service delivery or citizen interaction and describe the manner or the method by which Aadhaar number can be used to verify any resident's identity and address.

3.1 Upon successful verification of identity based on Aadhaar number, an individual is deemed to have provided sufficient proof of identity and no further documentary evidence such as a PAN Card, Ration Card, Voter ID Card, etc. will be required.

3.2 Upon successful verification of address based on Aadhaar number, an individual is deemed to have provided sufficient proof of current

residential address and no further documentary evidence such as a Ration Card, Electricity Bill, Telephone Bill etc. will be required.

3.3 Even in situations where current requirement provide for separate documents for Proof of Identity and Proof of Address, the Aadhaar number based verification will satisfy both requirements at the same time.

3.4 A service may not be denied to any individual in the absence of an Aadhaar number as the Aadhaar number is not mandatory. The Aadhaar number as 'POI' or 'POA' is an additional source of proof besides other accepted proof of identity and proof of address.

3.5 Sharing the Aadhaar number is only the first step in the identity and address verification for the provision of service. The process of verification is not complete until the computer-based online verification is done. However, if in online verification as a result of failure of system is unavailable, other alternative proofs of identity and address will have to be relied upon.

3.6 The Aadhaar number may not be refused in any circumstances - unless suitable facilities (such as computer-based online verification facility) are unavailable.

3.7 By using Aadhaar number through suitable computer equipment and software, a person's biometric data may be captured and automatically verified against the UIDAI's Central ID Repository (CIDR). This process is considered as the most reliable form of identity verification and should be treated as adequate for all purposes.

3.8 A person may have changed the place of residence without notifying the UIDAI (in the CIDR). In such a situation, service should not be denied merely on the basis of documents showing present address. Hence, an updated/present valid Proof of Address like and updated Voter's Identity Card etc. may be accepted as POA. So far as Proof of Identity is concerned, Aadhaar (with the help of Biometric Data) would enable authentication as a valid POI.

(Sd.)...

Adviser to the Administrator,
Chandigarh Administration

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD)& ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013`

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Anil B. Divan, Sr. Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deepshikha Bharati, Adv.
Mr. S.S. Shamsheery, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Varun Singh, Adv.
Mr. Gaurav Nair, Adv.
for M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG
Mr. L. Nageshwar Rao, ASG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.

Mr. D.S. Mahra ,Adv

UPON hearing counsel the Court made the following

O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Court Master

(Signed order is placed on the file)